

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GUCCI AMERICA, INC.,

Plaintiff,

- against -

JENNIFER GUCCI, JENCO DESIGNS, LLC,  
JENNICOR, LLC, JENNY GUCCI COFFEE  
AND GELATO COMPANY, INC., EDWARD  
LITWAK d/b/a ED LITWAK & ASSOCIATES,  
GEMMA GUCCI, GEMMA GUCCI COFFEE  
AND GELATO COMPANY, INC., ABC  
CORPORATIONS 1-10, and JOHN DOES 1-10,

Defendants.  
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Civil Action No. 07 Civ. 6820(RMB)

~~PROPOSED~~  
SCHEDULING ORDER

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/16/09
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WHEREAS, on August 6, 2009, the Honorable Richard M. Berman, following a bench trial in the above-referenced action, directed entry of a judgment on behalf of Plaintiff Gucci America, Inc. ("Gucci")'s, which, *inter alia*, permanently enjoined Defendants Jennifer Gucci, Gemma Gucci and Edward Litwak's commercial use of the names JENNIFER GUCCI and/or GEMMA GUCCI, and further found that Gucci is entitled to an accounting of Defendants' profits, its reasonable attorney's fees and costs, and punitive damages from Litwak; and

WHEREAS, Judge Berman further referred the accounting of Defendants' profits, Gucci's application for its reasonable attorney's fees and costs, and the punitive damage award from Litwak to the Honorable James C. Francis, IV, for a report and recommendation; and

WHEREAS, at a conference on September 9, 2009, Judge Francis directed the parties submit, either jointly or separately, a proposed scheduling order for addressing the issues referred by Judge Berman by September 30, 2009; and

WHEREAS, Gucci submitted a [Proposed] Scheduling Order on September 30, 2009;

and

WHEREAS, the Court has considered the parties' positions with respect to the [Proposed] Scheduling Order.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Gucci shall be permitted to serve six (6) third-party subpoenas on various individuals who Gucci believes invested or paid money to Mr. Litwak in connection with his

licensing activities. Gucci shall further seek to serve these subpoenas immediately upon the entry of this Scheduling Order and shall complete the depositions within forty-five (45) days. *(defendants' counsel may participate by telephone, at his option)* *just*

2. Defendants shall produce any documents concerning evidence of deductions or expenses relating to Litwak's licensing activities and/or any documents concerning any evidence relating to the allocation of any potential awards for an accounting of profits or attorney's fees within thirty (30) days of the entry of this Scheduling Order. Gucci shall have the right to take the depositions of Defendants *by telephone, if the defendants wish,* with respect to such document production within fifteen (15) days of the production. *just*

3. Discovery relating to the issues referred to the Court by Judge Berman shall be completed within forty-five (45) days of the entry of this Scheduling Order.

~~4. Fifteen (15) days after the close of the discovery phase, the parties shall simultaneously submit Proposed Findings of Fact and Conclusion of Law on the issues of (i) the accounting of Defendants' profits; and (ii) the punitive damage award against Litwak.~~ *just*

5. The Court shall conduct a hearing on the issues of (i) the accounting of Defendants' profits; and (ii) the punitive damage award against Litwak on a date to be determined.

6. Within fifteen (15) days of the conclusion of the hearing, the parties shall simultaneously submit Amended Proposed Findings of Fact and Conclusion of Law limited to taking into account any evidence elicited at the hearing.

7. Within fifteen (15) days of the conclusion of the hearing, Gucci shall also file its Application for Attorney's Fees and Costs. Defendants shall then file their opposition to Gucci's application within ten (10) days, and Gucci shall file any reply within five (5) days thereafter.

8. This Order shall only be amended by order of the Court.

9. Any motion by defendants' counsel to withdraw *JK*  
should be presented to me.

Dated: New York, New York

October 16, 2009

SO ORDERED:

*James C. Francis IV*  
Hon. James C. Francis IV  
United States Magistrate Judge